

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JON-ERIK ROOSEVELT BOLDS, JR.,)	Case No. 1:21-cv-01668-DAD-SAB (PC)
)	
Plaintiff,)	
)	FINDINGS AND RECOMMENDATIONS
v.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS, AND DENYING
LEUVANOS, et al.,)	PLAINTIFF'S MOTION FOR EXTENSION OF
)	TIME AS UNNECESSARY
Defendants.)	
)	(ECF Nos. 22, 28, 29)
)	

Plaintiff Jon-Erik Roosevelt Bolds, Jr., is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 15, 2022, the Court screened Plaintiff's complaint and found a cognizable excessive force claims against Defendant Luevanos for the incident on May 28, 2021, and against Defendants Luevanos, Valluas, Lucos, Magania, and Flores for the incident on September 21, 2021, and a cognizable retaliation claim against Defendants Lucos, Sosa, Bailey, Rafferty, and Espericueta. (ECF No. 22.) However, Plaintiff fails to state any other cognizable claims for relief. Therefore, Plaintiff was informed that he could file an amended complaint or a notice of intent to proceed on the claims found to be cognizable. (*Id.*)

On May 23, 2022, Plaintiff timely notified the Court of his intent to proceed on the claims found to be cognizable. (ECF No. 28.) Therefore, the Court will recommend that this action proceed only on Plaintiff's excessive force claims against Defendant Luevanos for the incident on May 28, 2021,

1 and against Defendants Luevanos, Valluas, Lucos, Magania, and Flores for the incident on September 21,
2 2021, and retaliation claim against Defendants Lucos, Sosa, Bailey, Rafferty, and Espericueta. Fed. R.
3 Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S.
4 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

5 Accordingly, it is HEREBY RECOMMENDED that:

- 6 1. This action proceed only on Plaintiff's excessive force claims against Defendant
7 Luevanos for the incident on May 28, 2021, and against Defendants Luevanos, Valluas,
8 Lucos, Magania, and Flores for the incident on September 21, 2021, and retaliation claim
9 against Defendants Lucos, Sosa, Bailey, Rafferty, and Espericueta;
- 10 2. All other claims and Defendants be dismissed for failure to state a cognizable claim;
11 and
- 12 3. Plaintiff's motion for extension of time to respond to the Court's April 15, 2022, is
13 denied as unnecessary.

14 These Findings and Recommendations will be submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
16 after being served with these Findings and Recommendations, Plaintiff may file written objections
17 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
18 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
19 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
20 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

21
22 IT IS SO ORDERED.

23 Dated: May 26, 2022

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26 UNITED STATES MAGISTRATE JUDGE
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